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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,260	06/26/2006	Hirotsugu Kusano	293037US3X PCT	5653

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PILKINGTON, JAMES

ART UNIT	PAPER NUMBER
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3656

NOTIFICATION DATE	DELIVERY MODE
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08/26/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/584,260	Applicant(s) KUSANO ET AL.	
	Examiner JAMES PILKINGTON	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/22/06 1/26/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The abstract of the disclosure is objected to because reference characters are not in parentheses. Correction, by either adding in parentheses or deleting the reference characters, is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "on one side face" in line 7 and "the other side face" in line 8. There is insufficient antecedent basis for these limitations in the claim. The shape of the groove is not previously defined in the claim and could be semi-circular in shape which does not include side faces.

Claim 2 recites the limitations "the greater chamfered portion" in lines 1-2. There is insufficient antecedent basis for these limitations in the claim.

Claim 3 recites the limitations "on one side face" in line 8 and "the other side face" in line 10. There is insufficient antecedent basis for these limitations in the claim.

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The shape of the groove is not previously defined in the claim and could be semi-circular in shape which does not include side faces.

Claim 4 recites the limitations "the greater chamfered portion" in lines 1-2. There is insufficient antecedent basis for these limitations in the claim.

Claim 5 recites the limitations "the greater chamfered portion" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 5 is unclear as to what "the greater chamfered portion is fitted thereto later" relative to. Is it fitted later relative to the smaller chamfer, the inner ring or some other structure of the bearing assembly or motor?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukoshi, USP 6,280,095, in view of Kubo, USP 5,826,681.

Furukoshi discloses a roller bearing comprising an outer ring (13), an inner ring (14), a plurality of rollers (16) placed between the two rings and an annular elastic member (23) that is fitted to an annular groove (21) formed in the outer circumference of the outer ring (13).

Furukoshi does not disclose a chamfered portion formed on one side face of the groove and a chamfered portion formed on the other side face are made

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asymmetric with each other and wherein the greater chamfered portion has a distance from the bottom face of the groove, which is set to $1/2$ or more of the thickness of the elastic member.

Kubo teaches an annular groove (5) holding an annular elastic member (1) which includes a chamfered portion (6) formed on one side face of the groove (5) and a chamfered portion (opposite 6 by reference character 2) formed on the other side face are made asymmetric with each other (6 is larger than the chamfer by 2) and wherein the greater chamfered portion (6) has a distance from the bottom face of the groove (at reference character 5), which is set to $1/2$ or more of the thickness of the elastic member (1, see Figures 2a and 2c) for the purpose of providing a space (chamfer) which allows for movement of the components without deforming (moving) the location of the sealing ring relative to the two members being sealed (C3/L53-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the groove in Furukoshi and provide a chamfered portion formed on one side face of the groove and a chamfered portion formed on the other side face are made asymmetric with each other and wherein the greater chamfered portion has a distance from the bottom face of the groove, which is set to $1/2$ or more of the thickness of the elastic member, as taught by Kubo, for the purpose of providing a space which allows for movement of the components without deforming the location of the sealing ring relative to the two members being sealed.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alten, USP 5,247,855, in view of Kubo, USP 5,826,681.

Alten discloses a motor device comprising a motor (engine), a housing (38 and additional closure structure around blades) that accommodates the motor and a roller bearing (3) having an outer ring (42), an inner ring (44), a plurality of rollers (46) placed between the two rings and an annular elastic member (48) that is fitted to an annular groove (51) formed in the outer circumference of the outer ring (42, see Figure 4).

Alten does not disclose a chamfered portion formed on one side face of the groove and a chamfered portion formed on the other side face are made asymmetric with each other and wherein the greater chamfered portion has a distance from the bottom face of the groove, which is set to 1/2 or more of the thickness of the elastic member.

Kubo teaches an annular groove (5) holding an annular elastic member (1) which includes a chamfered portion (6) formed on one side face of the groove (5) and a chamfered portion (opposite 6 by reference character 2) formed on the other side face are made asymmetric with each other (6 is larger than the chamfer by 2) and wherein the greater chamfered portion (6) has a distance from the bottom face of the groove (at reference character 5), which is set to 1/2 or more of the thickness of the elastic member (1, see Figures 2a and 2c) for the purpose of providing a space (chamfer) which allows for movement of the components without deforming (moving) the location of the sealing ring relative to the two members being sealed (C3/L53-56).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the groove in Alten and provide a chamfered portion formed on one side face of the groove and a chamfered portion formed on the other side face are made asymmetric with each other and wherein the greater chamfered portion has a distance from the bottom face of the groove, which is set to 1/2 or more of the thickness of the elastic member, as taught by Kubo, for the purpose of providing a space which allows for movement of the components without deforming the location of the sealing ring relative to the two members being sealed.

Claim 5 is claiming a step in the assembly process which does not alter the final structure of the apparatus. Alten in view of Kubo discloses all of the structural limitations and therefore meets the limitations of the claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES PILKINGTON whose telephone number is (571)272-5052. The examiner can normally be reached on Monday - Friday 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES PILKINGTON/
Examiner, Art Unit 3656
8/20/09